

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
GREENEVILLE DIVISION

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S.H, individually, and on behalf of all others	)	
similarly situated,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 2:23-cv-00071-TRM-JEM
	)	
CITY OF JOHNSON CITY, TENNESSEE,	)	
	)	
Defendant.	)	
	)	

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DEFENDANT CITY OF JOHNSON CITY, TENNESSEE’S RESPONSE  
IN SUPPORT OF PLAINTIFFS’ MOTION FOR PRELIMINARY  
APPROVAL OF CLASS ACTION SETTLEMENT

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COMES NOW Defendant City of Johnson City, Tennessee (“Defendant”), and hereby submits this response in support of Plaintiffs’ Motion for Preliminary Approval of Class Action Settlement, which was filed on May 19, 2025 (ECF 515; hereinafter referred to as “Motion for Preliminary Approval”). In supporting the Motion for Preliminary Approval, Defendant states that this settlement, if approved, will resolve highly disputed claims that have been the subject of vigorous litigation. It is important also to note that consistent with the terms of the Settlement Agreement,<sup>1</sup> Defendant denies all of Plaintiffs’ claims as to liability, including that it has violated the Constitution of the United States, the Constitution of the State of Tennessee, or any applicable laws or statutes, and Defendant denies that it is liable to Plaintiffs for any of the relief sought. If this case was not settled, Defendant intended to contest the certification of a class and file

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<sup>1</sup> Defendant confirms that the Settlement Agreement filed by Plaintiffs on May 19, 2025 (ECF No. 514, the “Settlement Agreement”) is a true and accurate copy of the parties’ settlement and its terms.

dispositive motions seeking summary judgment. Defendant has decided however that it is prudent to resolve this matter in this way to avoid the risks, burdens and expense of continued litigation.

With regard to the Motion for Preliminary Approval, Defendant believes it is a fair and equitable remedy for the purported class, which would be certified as part of the settlement. In particular Defendant confirms that the parties vigorously litigated this action for almost two years, including engaging in extensive written discovery, depositions and motion practice. The settlement, as memorialized in the Settlement Agreement, was reached between Defendant and Plaintiffs only after lengthy and extensive arm's-length negotiations, involving the use of the Honorable Layn Phillips (Ret.) as a mediator. There was no collusion between the parties and/or their counsel in reaching the proposed settlement. Finally, the negotiations were extensive and led for the parties by attorneys experienced in prosecuting and defending class litigation, who vigorously advocated for their clients and protected their respective interests.

For all of these reasons, Defendant supports the Motion for Preliminary Approval and respectfully requests that it be granted.

RESPECTFULLY submitted this 29th day of May, 2025.

s/ Jonathan P. Lakey  
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### **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system:

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Dated this 29th day of May, 2025.

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